

REMARKS

Applicants have amended the claims to more particularly point out the subject matter of the invention. The amendment to the claims has not added any new matter to the amended claims.

Claims 1 through 18 have been provisionally rejected under the judicially created doctrine of obvious type double patenting as being unpatentable over the following:

1. Claims 1 through 24 of Copending Application Number 10/603,644;
2. Claims 1 through 8 and 10 through 21 of Copending Application Number 10/603,894; and
3. Claims 1 through 17 of Copending Application Number 10/964,435.

This is a provisional obvious type double patenting rejection because the conflicting claims have not in fact been patented.

This provisional rejection should be withdrawn because Applicants hereby have filed a terminal disclaimer in compliance with 37 CFR 1.321 (c) to overcome an actual or provisional rejection and that the patent is shown to be commonly owned with this application. All of the copending applications and this application are owned by The Lubrizol Corporation. Accordingly, this provisional double patenting rejection should be withdrawn.

Claims 1 through 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al, Ogano et al, Goldblatt et al, Fang et al and Gao et al considered separately. Applicants respectfully traverse.

Applicants have amended their claims so that the additive composition is selected from the group consisting of a dispersant and an antioxidant wherein Applicants have stated the dispersants and the antioxidant. Accordingly, the references do not teach, nor suggest the dispersant and additive composition that is specifically claimed by Applicant in amended claim 1. In particular, Tanaka discloses a basestock, an organic molybdenum compound, a succinimide and a zinc dithiophosphate, in contrast, to the dispersant and antioxidant additive composition that is claimed by Applicant. Ogano discloses an oil composition comprising a base oil, a sulfurized oxymolybdenum dithiocarbamate and zinc dithiophosphate. In contrast, Applicants claim a dispersant and an antioxidant additive composition. Goldblatt discloses the use of soot and discloses an engine oil with a composition comprising of basestock, a dispersant, a viscosity index improver and other conventional additives. In

contrast, Applicants claim specific dispersants and antioxidants in an additive composition. Fang discloses a composition comprising a molybdenum compound. In contrast, Applicants disclose a dispersant and antioxidant composition. Gao discloses a lubricant composition of a base oil and a dispersant. Applicants in contrast claim an additive composition claiming specific dispersants and specific antioxidants as stated in amended claim 1. Accordingly, none of the references disclose or teach Applicants' additive composition selected from the group consisting of a dispersant and antioxidant and wherein the antioxidants and the dispersants are specifically stated. Accordingly, the 35 U.S.C. 102 rejection should be withdrawn. Furthermore, the Applicants' claims as amended are not obvious from these references in that Applicants' additive composition is not taught, disclosed nor suggested by the references.

Claims 1 through 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrington et al. (6,843,916). The Burrington et al reference should be removed. Applicants' invention discloses a similar type of additive composition as Burrington, however, Applicants claim that the additional composition decreases the amount of soot and lubricating oil and decreases the amount of emissions in the engine exhaust. Accordingly the 35 U.S.C. 102(b) should be withdrawn that Burrington does not teach or suggest the decreased amount of soot or emissions in the engine's exhaust.

In summary, Applicants have shown that their claimed invention is both novel and unobvious over the prior art. Accordingly, Applicants request the Examiner to reconsider her position in view of this response and withdraw these rejections. If any fees are due, the Commissioner is authorized to charge fee to deposit account Account No. 12-2275. A duplicate of this document is submitted for such purposes.

Respectfully submitted,

THE LUBRIZOL CORPORATION

  
Teresan W. Gilbert  
Registration No. 31,360

29400 Lakeland Blvd.  
Wickliffe, Ohio 44092-2298  
Telephone: 440-347-5072  
Facsimile: 440-347-1110